

**REGULAR MEETING OF THE COMMON COUNCIL
OF THE CITY OF PLATTSBURGH, NEW YORK**

December 20, 2012

5:30 P.M.

MINUTES

Present: Mayor Donald Kasprzak, Councilors Tim Carpenter (W1), Mark Tiffer (W2), George Rabideau (W3), Jim Calnon (W4), Chris Case (W5), Chris Jackson (W6)

Absent: None

1. MINUTES OF THE PREVIOUS MEETING:

RESOLVED: That the Minutes of the regular meeting of the Common Council held on December 13, 2012 are approved and placed on file among the public records of the City Clerk's Office.

By Councilor Carpenter; Seconded by Councilor Case

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson

(All voted in the affirmative)

2. PAYROLLS OF VARIOUS DEPARTMENTS:

RESOLVED: That the payrolls of the various Departments of the City of Plattsburgh for the week ending December 19, 2012 in the amount of \$ 274,080.64 are authorized and allowed and the Mayor and the City Clerk are hereby empowered and directed to sign warrants drawn on the City Chamberlain for the payment thereof.

By Councilor Case; Seconded by Councilor Tiffer

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson

(All voted in the affirmative)

3. REPORTS OF CITY OFFICES & COMMITTEE REPORTS:

- Report of Fire and Ambulance Responses for the week of December 12 – December 18, 2012
- Report from the Building Inspector's Office from December 14 – 18, 2012
- Statement from the City Clerk's Office of all monies received during the month of November 2012 in the total amount of \$23,692.91
- Statements of cash receipts from the Library from November 28 – November 30, 2012
- Report from the Parking Violations Bureau for November 2012

RESOLVED: That the reports as listed are hereby ordered, received and placed on file among the public records of the City Clerk's Office.

By Councilor Calnon; Seconded by Councilor Carpenter

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson

(All voted in the affirmative)

4. CORRESPONDENCE & RECOMMENDATIONS FROM BOARDS: None

5. AUDIT OF CLAIMS:

RESOLVED: That the bills Audited by the Common Council in the amount of \$ 975,761.90 are authorized and allowed and the Mayor and City Clerk (where required) are hereby authorized and directed to sign warrants drawn on the City Chamberlain for the payment thereof.

By Councilor Rabideau; Seconded by Councilor Jackson
Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson
(All voted in the affirmative)

6. PERSONS ADDRESSING COUNCIL: None

7. OTHER ITEMS:

A. RESOLVED: In accordance with the request therefore the Common Council approves Contract # 2010-18 “Sodium Thiosulfate for the Water Pollution Control Plant” with Thatcher Chemical Company Inc be extended for one year for a total amount of \$61,875.

By Councilor Jackson; Seconded by Councilor Carpenter
Discussion: None
Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson
(All voted in the affirmative)
ACTION TAKEN: Adopted
Follow up Action: None

B. RESOLVED: In accordance with the request therefore the Common Council approves Contract # 2011-25 “Sodium Hypochlorite for the Water Pollution Control Plant & Water Filtration Plant” with Surpass Chemical Company, Inc be extended for one year for a total amount of \$96,500.

By Councilor Jackson; Seconded by Councilor Carpenter
Discussion: None
Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson
(All voted in the affirmative)
ACTION TAKEN: Adopted
Follow up Action: None

C. RESOLVED: In accordance with the request therefore the Common Council approves the Declaration of Lead Agency Status for WPCP Mitigation Project.

By Councilor Calnon; Seconded by Councilor Carpenter
Discussion: None
Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson

(All voted in the affirmative)
ACTION TAKEN: Adopted
Follow up Action: None

D. RESOLVED: In accordance with the request therefore the Common Council approves a change order from CDM for “Cumberland Avenue Pump Station” and there is no change in the cost.

By Councilor Jackson; Seconded by Councilor Rabideau
Discussion: None
Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson
(All voted in the affirmative)
ACTION TAKEN: Adopted
Follow up Action: None

E. RESOLVED: In accordance with the request therefore the Common Council approves a proposal from CDM for “Footbridge Sewer Crossing” the total cost will not exceed \$37,000.

By Councilor Jackson; Seconded by Councilor Calnon
Discussion: None
Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson
(All voted in the affirmative)
ACTION TAKEN: Adopted
Follow up Action: None

F. RESOLVED: In accordance with the request therefore the Common Council approves a proposal from B&L for “Akey Landfill Post Closure Monitoring” for a total lump sum of \$33,200.

By Councilor Rabideau; Seconded by Councilor Calnon
Discussion: None
Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson
(All voted in the affirmative)
ACTION TAKEN: Adopted
Follow up Action: None

G. ADOPTION OF LOCAL LAW P-4 OF 2012 Amendment to City Code §206.7 Concerning Enforcement

Introduced by; Councilor Calnon on December 6, 2012
Seconded by; Councilor Carpenter

Be It Enacted by the Common Council of the City of Plattsburgh as follows:

1. City Code § 206.7 is amended to read as follows:

This Chapter may be enforced by any police officer, peace officer or any code inspector employed in the office of the Building Inspector of the City of Plattsburgh.

2. This law shall take effect immediately upon approval by the mayor and filing with the Secretary of State.

By Councilor Case; Seconded by Councilor Carpenter
Discussion:

Councilor Calnon made a motion to amend Resolution to read:

This Chapter may be enforced by any police officer, peace officer or any City of Plattsburgh Building Code Inspector.

Seconded by Councilor Carpenter

Discussion:

Corporation Counsel John Clute said if you word it that way then the only person in that office that can enforce it is the Building Inspector. Because the titles of the folks that work in the Building Inspector's office include Housing Code Inspector and Municipal Code Inspector. So the reason that it was written the way it was the first time was you have 3 different job titles; Housing Code Inspector, Municipal Code Inspector and Building Code Inspector.

Councilor Calnon said are there any other code inspectors employed by the city?

Corporation Counsel John Clute said not that I'm aware of.

Councilor Calnon said if it is alright with the second to the proposal. I would like to amend my amendment to read after the "or" "any City of Plattsburgh Building Code Inspector, Housing Code Inspector or Municipal Code Inspector."

Councilor Carpenter said just a thought you could leave it just the way it is only add "police officer, peace officer" at the back end and put Code Inspector employed in the office of the Building Inspector City of Plattsburgh at the beginning. And then you lose that vagueness.

Councilor Calnon said so what you're saying suggesting is "This Chapter may be enforced by any code inspector employed in the office of the Building Inspector of the City of Plattsburgh, or by any police officer or peace officer."

Councilor Carpenter said yes.

Councilor Calnon said I like that even better than mine. We are ok to withdraw the initial one.

Councilor Carpenter made a motion to amend Resolution to read:

This Chapter may be enforced by any code inspector employed in the office of the Building Inspector of the City of Plattsburgh, or any police officer or peace officer.

Mayor Kasprzak restated “This Chapter may be enforced by any code inspector employed in the office of the Building Inspector of the City of Plattsburgh, or any police officer or peace officer.”

Councilor Calnon said may I make a suggestion just for clarity after the word “or” put “by” in there as well. So it would read “enforced by any code inspector employed in the office of the Building Inspector of the City of Plattsburgh or by any police officer or peace officer.”

Seconded by Councilor Calnon

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson
(All voted in the affirmative)

Mayor Kasprzak said now we will have a Roll Call on the Resolution as amended.

Discussion:

Councilor Carpenter said I have a question for John does that mean because a parole officer is a peace officer. Can a parole officer who’s not employed by the City of Plattsburgh enforce this law?

Corporation Counsel John Clute said yes. There are 2 reasons I used the term peace officer. First of all the City Code defines police officers as peace officers. Peace officer is also defined, and that’s what you are alluding to, under the Criminal Procedures Law of the State of New York. And it encompasses a fairly wide range of law enforcement officials. Parks, police and university police and that’s mostly who I was thinking of.

Councilor Carpenter said the state sees police officer or peace officer as two separate entities and the rules that they can enforce are different.

Corporation Counsel John Clute said they are two different terms. So the short answer to your questions is yes a parole officer is a peace officer and the way this is written could enforce it. But I think more importantly I think that the university police officer.

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson
(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

8. TRAVEL REQUEST:

A. RESOLVED: In accordance with the request therefore the Common Council approves Jon Ruff Environmental Engineer to attend the “New York Water Environment Association 2013 Annual Meeting” in New York City, NY from February 4 – 6, 2013 at a total cost not to exceed \$1,795.

By Councilor Jackson; Seconded by Councilor Tiffer
Discussion: None

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson

(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

9. RESOLUTIONS FOR INITIAL CONSIDERATION:

1. Request by the City Chamberlain to adjust the 2012 General Fund Budget by an increase of \$21,500.00 equally in estimated revenues and appropriations for the continued funding of the aerial fire truck capital reserve from the annual local grant revenue from SUNY and the matching contribution from the City's General Fund.

Councilor Jackson said I didn't realize this was the 5th year of that SUNY payment. We're up to \$215,000 without interest in the Capital Reserve so its building and when we finally end up pulling the trigger on an Aerial.

Mayor Kasprzak said that was an outstanding arrangement you made with SUNY and we appreciate it.

Corporation Counsel John Clute said that's very generous and it's too bad other people in the city that own high rises don't get the message but they don't.

Councilor Carpenter said Chris and I talked about it earlier but that's a 20 year commitment by Plattsburgh State to us. That's a huge chunk of money to help.

Mayor Kasprzak said we've all said it as we go through the budget that we appreciate their commitment and by the way their understanding of the importance of it.

Councilor Calnon said really reflect off what John just said about one of the reasons why SUNY does make this gift each year is because they recognize that they own half the high rise buildings in the City of Plattsburgh. And the Aerial is a key piece of equipment in fighting fires that could occur there. I wanted to point out that one of the other organizations that has high rise buildings is Plattsburgh Housing Authority. It just so happens that in our mail boxes today we did receive our check for Payment in Lieu of Taxes for \$161,000. So while SUNY, Plattsburgh Housing Authority and CVPH are tax exempt authorities. Plattsburgh Housing is paying a Payment in Lieu of Taxes and the college is making this donation to us. I thought that was important to note.

2. Request from Police Chief Desmond Racicot for approval to extend contractual benefits (due to job related injuries) for Officer Michael Lawliss for an additional 12 weeks.

10. NEW BUSINESS:

Councilor Jackson said I just want to wish everybody a Merry Christmas.

Mayor Kasprzak said I second that Merry Christmas and Happy New Year and hopefully everyone has a wonderful weekend.

11. CLOSING PUBLIC COMMENTS: None

Motion to Adjourn by Councilor Jackson; Seconded by Councilor Tiffer

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson

(All voted in the affirmative)

MEETING ADJOURNED: 5:48 pm